COMMITTEE REPORT NO. 14 - 14(6) TABLED ON JUN 12 2003

Northwest Territories Legislative Assembly

Standing Committee on Rules and Procedures

Report on Potential Committee Structures and Role for the 15th Assembly

Chair: Mr. Brendan Bell

Northwest Territories Legislative Assembly
Standing Committee on Rules and Procedures

105-00370/

JUN 12 2003

THE HONOURABLE ANTHONY (TONY) WHITFORD, MLA
SPEAKER OF THE LEGISLATIVE ASSEMBLY

Mr. Speaker:

Your Standing Committee on Rules and Procedures has the honor of presenting its report on Potential Committee Structures and Role for the 15th Assembly and commends it to the House.

Brendan Bell
Chairperson

Attachment

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Report of the Standing Committee on Rules and Procedures on Potential Committee Structures and Role for the 15th Assembly

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Background

On October 25, 2002 the Legislative Assembly of the Northwest Territories passed Motion 14-14(5) instructing the Standing Committee on Rules and Procedures to undertake a review of the operation and accountabilities of the Committee structure and system. The Standing Committee was also instructed to provide a report on such matters to the Legislative Assembly no later than June 30, 2003.

Process

The Standing Committee on Rules and Procedures initially met on December 9, 2002 to consider background information on the evolution of committee structures in the Northwest Territories and to formulate options on how best to proceed with the review of committee structures and systems.

Committee Members decided the following three basic premises would guide the Committee in its deliberations.

1. It is likely that Consensus Government would continue for the 15th Assembly.

2. The structure, roles and responsibilities of the Legislative Assembly and its Committees would not change in the face of Self-Government Agreements.

3. The review of the operation and accountabilities of the Committee structure and systems is a separate process from the transitional planning exercise.

Staff was instructed to research and prepare briefing notes on potential committee structures that would lend themselves to the consensus form of government.

Committee staff was also asked to consult with key managers on their thoughts on the current committee structure in relation to the legislative and budgetary processes and to receive input on potential for changes they see as beneficial to both Committees and the bureaucracy.

In addition, the Standing Committee provided direction to staff in the preparation of a survey designed to elicit Member's opinions on the strengths and weaknesses of the current committee structure as well as their thoughts on potential changes to committee structure and systems.

Findings

The Standing Committee on Rules and Procedures met again on April 17, 2003 to review the research undertaken by staff and to examine the results of the Member's Survey on committee systems and structure.

Committee Members noted in a majority of jurisdictions modeled on the Westminster parliamentary system, the potential of Standing Committees to add value to legislation has been somewhat derailed by the adherence to party politics.

For this reason, the Rules Committee did not extensively examine committee structures in other Canadian or international jurisdictions modeled on the Westminster parliamentary system.

The other committee process Canadians are most familiar with is the American system. While the American committee system is seen as essentially non-partisan, meaning that Committee Members from different parties can work together to achieve common goals, there is nonetheless an adversarial approach taken with the Executive Branch of government that does not translate well to the Northwest Territories' consensus form of government.

As many Members are aware there are other jurisdictions, particularly the Channel Islands, where committees have played a significant role in the day-to-day operations of government. However, these jurisdictions have or are in the process of changing committee structures with a view to improving accountability within their systems.

Remarkably enough, these jurisdictions have engaged in significant consultation with our own Clerk of the Legislative Assembly in adapting the Northwest Territories' Committee and Cabinet system to meet the needs of some of the Channel Islands.

The Members of the Standing Committee on Rules and Procedures examined several new options for committee structures that contemplated the increased sharing of powers between the legislative and executive branches of government.

However, it became apparent to Committee Members there needs to be a clear delineation between Committees and the Executive (Cabinet) in order to ensure that Government is held accountable, both in fact, and in the eyes of the general public.

In the end, Committee Members were forced to dismiss each option as unworkable and realize that our current committee structure, which is not without its imperfections, does at the very least ensure government is held accountable.

The feeling that government is being held accountable was borne out by the results of the Member's Survey on committee structures and systems.

Results of the Member's Survey

Those Members of the Assembly who responded to the Standing Committee Survey were almost unanimous in their belief that any suggestions for change to committee structures and systems take the form of recommendations to the 15th Assembly.

This made sense to the Members of the Standing Committee on Rules and Procedures in light of the potential for major restructuring of government that may fall out of the transition planning exercise.

Committee Members could see no point in effecting major changes to current committee structure and systems when we do not exactly know the future organizational structure of government at this time.

It was interesting, that even though the majority of Members surveyed thought there was a definite need for a major overhaul of committee structures and systems, no Members were comfortable in making any specific recommendations in the absence of knowledge of the future structure of government.

Many Members responding to the Survey also commented on the need to realign the Departments to ensure a balanced workload between the Standing Committees.

Members of the Standing Committee on Rules and Procedures also see this need but are hesitant to make a specific recommendation given the potential for the redistribution of programs and services between existing and possible new government departments.

The Survey results also indicated that Members thought there was a need to "firm up" Committee Guidelines and Handbooks and perhaps even provide more training to Committee Chairpersons on Committee operations and running effective meetings.

According to the Survey, some Members believe individual Member constituency issues, which should be dealt with in another more appropriate forum, occasionally overtake the Committee process.

One suggestion for remedy comes from the Catalonian Parliament in Spain where regular meetings take place between Committees and Ministers. These "Taking Stock" meetings provide members with an opportunity to discuss overall policy issues, as well as raise specific constituency issues with the Minister.

The 14th Assembly has established a similar convention with the monthly meeting held between the Premier and the Members of the Accountability and Oversight Committee at which the issues of the day are discussed and feedback provided to the Premier.

Opinion was split on the need to re-evaluate the budget review process, with some Members believing the current process allows Members the most opportunity to influence government programs and spending and some Members believing the process becomes repetitive between the in-camera Review of the Draft Main Estimates and the review of the Main Estimates in Committee of the Whole. Senior management, who pointed out that the current process might not be the best use of scarce human resources in the Departments, made a similar observation.

There may be an opportunity to streamline the process for reviewing the Draft Main Estimates while still ensuring Members and Committees have influence over government programs and spending.

Development of Government Policy

In discussing the working of the 14th Assembly and analyzing where problems were encountered, the Members of the Standing Committee on Rules and Procedures observed the issues that caused the most friction between Committees and Cabinet were matters of government policy.

In a majority of cases, a new government policy or changes to an existing policy, is developed by the responsible department in response to a real or perceived need.

Once the responsible Minister approves this new policy or changes to an existing policy, he or she takes the policy to Cabinet for approval. Only if the policy receives approval from Cabinet does the appropriate Standing Committee get informed and become involved.

It was observed by Members of the Standing Committee on Rules and Procedures that by the time we reach the stage of policy development where the Standing Committees become engaged; the Department and Minister have invested significant time and resources in getting the policy to this stage.
It is only natural that by this time, positions have become entrenched and the Minister would be resistant to any significant changes proposed by Committee.

The Members of the Standing Committee on Rules and Procedures see a need to establish a new convention on the development of government policy that involves Standing Committees at an earlier stage. This would allow Members opinions and constituent's needs to be taken into account in the development of the final product.

The benefits of such a convention are two-fold. First, if such a convention works, as it should, the small bugs can be worked out prior to any public statement or position being taken. This would allow any subsequent public policy debate to focus on the intent behind the policy rather than the smaller details that seem to derail us on occasion.

Conversely, if a policy does not have support at the initial Committee stage, the Government can either withdraw the policy or rework it for further study by Committee. It is easier to do this at the Committee Stage than in a full sitting of the Legislative Assembly when it may have been referred to Committee of the Whole.

The second benefit goes to the true purpose of Committees, which is to add value to Government. Allowing Committees the opportunity to help develop policy rather than just react to government positions is more in step with the principles of consensus government.

Members of the Standing Committee on Rules and Procedures also believe there is a need for more broad-based policy discussions, not related to any one specific policy, to take place between Committees and Ministers on a regular basis. A clear understanding of Committee Members' positions on such issues as taxation policy, would be beneficial to Ministers and their Departments in developing policy and implementing change.

Membership on Committees

Another practice the Members of the Standing Committee on Rules and Procedures believe worth examining is how the Striking Committee decides membership on the Standing Committees on Social Programs and Governance and Economic Development.

As it stands now, the Striking Committee tries to accommodate the Member's preferences in determining which committee he or she will serve on. While respecting the wishes of an individual MLA is an important criterion, it should not be the overriding factor in determining Committee membership.

The Members of the Standing Committee on Rules and Procedures have observed that some of the conflicts encountered in the 14th Assembly were related to a lack of regional or rural perspective on the Social Programs Committee or conversely a lack of an urban perspective on the Governance and Economic Development Committee.

To ensure the perspectives and needs of all territorial residents are represented in Committee deliberations, the Standing Committee on Rules and Procedures are of the opinion that a new convention, similar to the one used in determining regional representation on Cabinet, should be used by the Striking Committee in determining membership of the Standing Committees.

Recommendations

1. **The Standing Committee on Rules and Procedures recommends that the 15th Assembly examine the assignment of Departments between Standing Committees to ensure a balanced Committee workload.**

2. **The Standing Committee on Rules and Procedures recommends that the Committee Manual be updated and training sessions for the incoming Committee Chairpersons and Members on their respective roles and responsibilities be enhanced.**

3. **The Standing Committee on Rules and Procedures recommends that the 15th Assembly examine the advantages and disadvantages of streamlining the budgetary review process.**

4. **The Standing Committee on Rules and Procedures recommends the 15th Assembly examine options for engaging Standing Committees in the early stages of policy development.**

5. **The Standing Committee on Rules and Procedures recommends that the Striking Committee establish a convention that ensures equitable regional and urban representation on the Standing Committees.**